

REMARKS

Applicant replies to the Final Office Action mailed on April 12, 2006 and request the Examiner to enter the amendments and consider these remarks prior to examining this application after RCE. This reply is being filed within the sixth month for reply and Applicant authorizes payment of the required extension fee. Claims 1, 5, 7-9, 11, 13, 16-18, 20, 21, 23-25, 27, 28, 30-35, 37-41, 43, 44, 46, 47, 50, 51, 53, 54, 57, 61, and 63-65 were pending in the application and the Examiner rejects all pending claims. Applicant amends claims 1, 9, 16, 17, 24, 31, 37, 43, 50, 57, and 65 and addresses the Examiner's remarks. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Claim Rejections

Introduction

The pending claims relate to a product for underarm application, the product having two sections of the claimed composition, the sections differing in color and firmness, the firmer section providing support to the other section when both sections are extended from the container. Paragraph 6 of the specification provides express support for such a product in which "one portion may be firmer or stronger than, and provide support for, the other portion." This combination provides for use of softer, more easily applied outer portions in the context of an antiperspirant product.

§103(a) Rejections

Claims 1, 5, 7-9, 11, 13, 16-18, 20, 21, 23-25, 27, 28, 30-35, 37-41, 43, 44, 46, 47, 50, 51, 53, 54, 57, 61, and 63-65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Swaile et al. U.S. Pat. No. 5,968,489 ("Swaile") in view of either Shelton U.S. Pat. No. 4,202,879 ("Shelton") or Banowski et al. WO 99/23998 (as translated by U.S. Pat. No. 6,569,438 ("Henriksen")). Applicant respectfully traverses these rejections.

Swaile generally discloses an antiperspirant composition having 1,2-hexanediol as a solvent or coupling agent and an antiperspirant active as the primary ingredients. Shelton generally discloses an antiperspirant stick having incompatible solid and gel antiperspirant phases separated by a barrier. Banowski discloses a personal care stick having porous polymer

microspheres carrying various active ingredients or pigments. Henriksen is directed towards a bar of soap having a central core of a different color than the remainder of the bar.

As recognized in the Office Action, Swaile does not teach two product sections both of the claimed composition and differing in color within a single container. Similarly, nothing in Swaile teaches or suggests two product sections both of the claimed composition and differing in firmness as recited in each of the independent claims.

While Shelton teaches a three-phase antiperspirant stick, each of those phases is an entirely different composition, indeed the intermediate phase is required in Shelton because the other two phases are entirely incompatible. A practitioner would have no motivation to combine the entirely different and incompatible phases of Shelton with the composition of Swaile to arrive at a product having two portions both of the claimed composition and differing in color and firmness.

Neither Swaile, Shelton, Banowski, Henriksen, nor any combination thereof, disclose or suggest a product for underarm application comprising at least “a first product portion having a first composition and a second product portion having a second composition different in color and firmness from the first composition within the container, the firmer second portion providing support to the other portion when both portions are extended from the container” as recited in each of the amended independent claims. Accordingly, Applicant asserts that the amended independent claims 1, 9, 16, 17, 24, 31, 37, 43, 50, 57, and 65 are patentable over the cited references.


Claims 5, 7-8, 11, 13, 18, 20, 21, 23, 25, 27, 28, 30, 32-35, 38-41, 44, 46, 47, 51, 53, 54, 61, and 63-64 variously depend from claims 1, 9, 16, 17, 24, 31, 37, 43, 50, 57, and 65 and contain all of the elements thereof. Therefore, Applicant respectfully submits that these claims are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1, 5, 7-9, 11, 13, 16-18, 20, 21, 23-25, 27, 28, 30-35, 37-41, 43, 44, 46, 47, 50, 51, 53, 54, 57, 61, and 63-65.

Applicant respectfully submits that the pending claims (41 total, 11 independent) are in condition for allowance. No new matter is added in this Reply. Reconsideration of the application is thus requested. **The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.**

Applicant invites the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

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